GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2189
ANSWERED ON:15.03.2017
All India Judicial Service
Goud Dr. Boora Narsaiah;Prasad Dr. Bhagirath;Reddy Shri Konda Vishweshwar;Vanaroja Smt. R.

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government has revived the proposal to constitute an All India Judicial Services (AIJS) for appointment of district judges through a rigorous examination process to be conducted by the Union Public Service Commission and if so, the details thereof;
(b) whether there are at least 4400 vacancies of judges in the subordinate judiciary and if so, the reasons therefor ;
(c) whether it is true that the proposal to set up an AIJS has been pending since 1960 and if so, the reasons therefor;
(d) whether it is also true that the Government has held discussion with all concerned parties/ stakeholders in this regard; and
(e) if so, the details thereof and the outcome thereof?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) to (e): The creation of All India Judicial Service was recommended by Law Commission of India in its 14th Report (1958). Later, Law Commission reiterated such recommendation in 77th Report (1978) and 116th Report (1986). The Supreme Court of India in the matter of All India Judges Association versus Union of India and others, recommended that Government should examine the feasibility of implementing the recommendations of the Law Commission for setting up of All India Judicial Service. The issue of creation of All India Judicial Service was considered and recommended by the First National Judicial Pay Commission (FNJPC) better known as Justice Shetty Commission.

A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 and it was decided that issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal. There was divergence of opinion among the State Governments and among the High Courts on the constitution of All India Judicial Service. While some State Governments and High Courts were not in favour of creation of All India Judicial Service, some other State Governments and High Courts wanted changes in the proposal formulated by the Central Government.The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of the High Courts held on 05th April, 2015. However, no progress was made on the subject. The matter regarding creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges / judicial officers at all level was also included in the agenda for the Chief Justices Conference, which was held on 03rd and 04th April, 2015, wherein it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously.

Keeping in view the divergence of opinion among the stakeholders on constitution of All India Judicial Service, the Government has undertaken the consultative process to arrive at a common ground.
The filling of vacancies of Judges / Judicial officers in Districts and Subordinate Courts is within the domain of the State Governments and the High Courts concerned. However, as per the Court News (July-September, 2016) of Supreme Court, 4846 posts of Judges/ Judicial Officers were vacant in the District and Subordinate Courts as on 30.9.2016.
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